

1 Thomas M. Moroughan

2 when you came back into the room to when the  
3 homicide detectives from Suffolk arrived,  
4 what, if anything, happened during that period  
5 of time?

6 A I believe I was given more pain  
7 meds. I remember I was starting to nod off  
8 here and there. Like I said, throughout the  
9 night I was screaming for Ms. Lewis.

10 So, I want to say, you know, some  
11 more medical treatment, more medicine,  
12 screaming for Ms. Lewis.

13 Q Okay.

14 Up until this point now, you  
15 described there came a time where the Suffolk  
16 County homicide detectives came into the room?

17 A Yes.

18 Q You mentioned earlier that there  
19 was another patient in the room. Had that  
20 patient been brought in yet?

21 A (No response.)

22 Q In other words, when the Suffolk  
23 County homicide detectives arrived, had the  
24 patient that you described earlier been  
25 brought in the room yet?

1 Thomas M. Moroughan

2 MR. GRANDINETTE: Don't guess.

3 A I don't know.

4 Q When the Suffolk County homicide  
5 detectives came in the room, how many of them  
6 were there?

7 A Two.

8 Q Do you recall, were they men or  
9 women?

10 A Men.

11 Q Can you describe for me what they  
12 looked like?

13 A There was one, he was taller.  
14 About six foot.

15 Q Okay.

16 A He had like black hair with like  
17 gray.

18 Q Okay.

19 A Caucasian. Probably around 50.  
20 Somewhere around 50.

21 There was a shorter guy, he had  
22 short hair. Looked like lighter color. Not a  
23 hundred percent sure.

24 He was probably my height-ish.

25 Q Okay.

1 Thomas M. Moroughan

2 A Which is 5-8.

3 That's it.

4 Q Okay. The second guy, was he --  
5 you said he was a white guy?

6 A Yes.

7 Q Did they speak to you?

8 A Yes.

9 Q When they came in the room to  
10 speak to you was there anybody else in the  
11 room other than those two persons that were  
12 from the Suffolk County homicide squad?

13 A Not that I recall.

14 Q Can you tell me, what did they  
15 say to you?

16 A They told me that they were from  
17 Suffolk County homicide. And I asked them, I  
18 said: Why homicide; I'm not dead, am I?

19 Q Okay.

20 A Literally, I was -- I was so out  
21 of it from that.

22 So I was like -- they said: No.  
23 All shootings get investigated by homicide.

24 I said okay.

25 And they said, you know: Can we

1 Thomas M. Moroughan

2 ask you what happened.

3 I was exhausted. I was like:

4 Can you guys just leave me alone. Can we do  
5 this later. I want my -- can you guys get it  
6 from the guys who took the statement before.

7 Q What, if anything, did they say?

8 A They said: No, we need to hear  
9 it from you. We have other witnesses. We  
10 know that you were trying to leave and that  
11 you got shot. You're the victim.

12 Basically the same exact thing as  
13 the other guys said.

14 Q Let me stop you.

15 When you say "the other guys,"  
16 you mean the Nassau detectives?

17 A Yes.

18 Q Now, you're saying to me that the  
19 Suffolk County homicide detectives, when they  
20 were saying things to you about, we know that  
21 you're the victim, we know that you are the  
22 guy who got shot, that they were saying the  
23 same things that the Nassau detectives said to  
24 you?

25 MR. CLARKE: I'm going to object

1 Thomas M. Moroughan

2 to the form of the question to the  
3 extent that he believed they were Nassau  
4 detectives. He can't identify any of  
5 them by name.

6 BY MR. MITCHELL:

7 Q Do you understand my question?

8 A Not the same exact thing.

9 But I'm talking about to get me  
10 to be able to talk to them. I didn't want to  
11 talk. I wanted to be left alone. I wanted to  
12 just be able to rest. I wanted to be able to  
13 see my girlfriend, who I asked for throughout  
14 the whole night and they wouldn't even tell me  
15 if she was alive or dead or if she got shot.

16 Q Did they speak to you and did you  
17 speak to them?

18 A Eventually.

19 Q After you said to them can you --  
20 can't you just talk to the other two guys --  
21 is that what you said?

22 A Yes.

23 Q -- what did they say to you?

24 A They said no, we need to hear it  
25 from you. We just need a quick statement.



1 Thomas M. Moroughan

2 And I was -- I was just -- I was  
3 like: Well, I want my lawyer. I'm tired.

4 I wanted to be left alone.

5 The faster we get this done, the  
6 faster we can get these guys. You want to see  
7 them get arrested, right.

8 I was like, yes -- and I was like  
9 no, I want to be left alone.

10 And they were like: Fine, then  
11 we're going to have to let these guys go.

12 And then I was like: Okay, fine.

13 Then I told them my story.

14 Q Let me stop you a second.

15 You said that they said to you,  
16 okay, then we are going to have to let these  
17 guys go, meaning if you didn't speak to them  
18 they said we're going to have to let these  
19 guys go?

20 A Yes.

21 Q Earlier when the Nassau -- the  
22 guys that you think were Nassau detectives,  
23 when they were in the room did they say  
24 something like that to you as well: If you  
25 don't speak to us we're going to have to let

1 Thomas M. Moroughan

2 these guys go?

3 A No. They were just telling me  
4 that I was the victim and they needed to know  
5 what was going on.

6 I remember asking them a few  
7 times, you know: Was this guy a cop. I  
8 remember hearing something about a cop.

9 And they were like: We don't  
10 know the details yet. We're trying to get  
11 everything in place to figure out what's going  
12 on.

13 Q Okay. For clarification, the  
14 person that you are speaking about now that  
15 said we don't know if he is a cop, we need to  
16 figure out what is going on, was that the  
17 Nassau guys earlier or are we talking about  
18 the Suffolk County guys?

19 A The guys I believed to be Nassau.

20 Q Moving back to the Suffolk County  
21 guys, after you had that conversation, what  
22 happened then?

23 MR. GRANDINETTE: Objection to  
24 form.

25 Q In other words, after the

1 Thomas M. Moroughan

2 conversation you described to me from the  
3 Suffolk County homicide guys saying you're the  
4 victim and --

5 A I eventually gave in --

6 Q Tell me, when you say you gave  
7 in, at that point had those Suffolk County  
8 homicide guys, had they physically touched you  
9 at all?

10 MR. CLARKE: Note my objection  
11 again as to identifying these guys.

12 He is guessing as to where any of  
13 these guys are from.

14 MR. GRANDINETTE: Objection. I  
15 don't know that that's accurate.

16 MR. CLARKE: He wants us to  
17 believe he was in a drug-induced haze,  
18 he doesn't really know anything.

19 Does he know it or not know it?

20 MR. GRANDINETTE: You're going to  
21 get an opportunity to question my  
22 client.

23 MR. CLARKE: But if we're going  
24 to ask questions, base it upon what he  
25 said --



1 Thomas M. Moroughan

2 MR. GRANDINETTE: His testimony  
3 speaks for itself.

4 ---

5 (Question unanswered by witness.)

6 ---^

7 MR. GRANDINETTE: Do you mind if  
8 we take two seconds?

9 MR. MITCHELL: Yes.

10 ---

11 (A recess was taken.)

12 ---

13 BY MR. MITCHELL:

14 Q Mr. Moroughan, before we took the  
15 short break I was talking to you about Suffolk  
16 homicide detectives in the room and they were  
17 speaking to you, correct?

18 A Yes.

19 Q There came a time where you spoke  
20 to them and, if I am correct, it was your  
21 belief that you were speaking to them so  
22 that -- so that they could get information for  
23 the purpose of arresting these other two guys,  
24 right?

25 A Yes.

1 Thomas M. Moroughan

2 Q And in other words, you believed  
3 at that point that you were the victim, right?

4 A Yes.

5 MR. GRANDINETTE: Objection to  
6 the form.

7 Q I'm using the phrase. In other  
8 words, you believed that you were the person  
9 who had been the victim of a crime and they  
10 were speaking to you so that they could gather  
11 information for charging the other people.

12 MR. GRANDINETTE: Objection to  
13 the form.

14 A Yes.

15 Q That's what you thought, right?

16 A That's right.

17 Q And when you spoke with them, you  
18 spoke with them with that in mind, correct?

19 A Yes, sir.

20 Q When you spoke with them because  
21 you had in mind that you were speaking to them  
22 for the purpose of them getting information in  
23 relation to you being a victim of a crime, you  
24 told them things that you thought were  
25 important, right?

1 Thomas M. Moroughan

2 A I told them what happened.

3 Q And when you told them what  
4 happened you told them the similar things that  
5 you said you told to the other guys, the other  
6 Nassau detectives, right?

7 A Yes.

8 Q When you were speaking to them  
9 were either of those persons writing anything  
10 down?

11 A Yes.

12 Q Okay.

13 And did there come a time when  
14 they asked you to give a written statement?

15 A Not that I can recall. I  
16 remember the shorter guy was writing. The  
17 taller guy was the one who was asking  
18 questions. The tall guy I believe left. I  
19 remember the short guy staying there and  
20 writing. Then they both came back to my  
21 bedside with a written statement.

22 Q Okay. And what I'm going to do  
23 is I'm going to show you what's been marked --  
24 this is Defendants' Exhibit C, like cat. All  
25 right. Let me show that to you. You can hang

1 Thomas M. Moroughan

2 on to that one.

3 MR. CLARKE: For today's purposes  
4 this is exhibit --

5 MR. MITCHELL: It's Exhibit -- it  
6 is Suffolk Defendants' C. With today's  
7 date, 1/20.

8 ---

9 (County of Suffolk Defendants'  
10 Exhibit C, PDCS Advisement of Rights,  
11 was marked for identification)

12 ---

13 BY MR. MITCHELL:

14 Q Mr. Moroughan, take a look at  
15 what's been marked as Suffolk Defendants' C  
16 like cat?

17 Do you see that document I have  
18 there?

19 A Yes.

20 Q Is that a xerox copy of the  
21 statement, the written statement that you  
22 signed on February 27, 2011?

23 A Yes, I believe so.

24 Q Take a look at the top.

25 Let me ask you something.

1 Thomas M. Moroughan

2 Before the detectives -- you  
3 mentioned to me that the fellow, the shorter  
4 guy, was writing things down, right?

5 A Yes.

6 Q And then they asked you to sign  
7 the statement; is that right?

8 A Yes.

9 Q Before they asked you to do that,  
10 did the detectives ever speak to you about  
11 whether you wanted a lawyer or not?

12 A No. Because -- no.

13 MR. GRANDINETTE: Finish your  
14 answer.

15 A I was screaming for -- who I  
16 wanted as my lawyer the whole night. So there  
17 was no reason to ask me if I wanted one. I  
18 was automatically putting it out there that I  
19 wanted one.

20 Q When you say "screaming for my  
21 lawyer" again you were talking about  
22 Ms. Lewis?

23 A Yes.

24 Q Now, I want you to take a look at  
25 what's been marked as Exhibit C.



Thomas M. Moroughan

You see at the top of the document -- by the way, up until this point you have understood everything I've said to you, right? In other words, you don't have any problem understanding English, correct?

A Yes.

Q You can write read and write English well?

A Yes.

Q Take a look at what's been marked as Suffolk County Exhibit C.

You see at the top there where it says: "[REDACTED] [REDACTED] [REDACTED] [REDACTED]"? You see that?

A Yes.

Q Could you read for me what it says immediately below that?

A "[REDACTED]."

Q Do you see where it says Number 1?

A Yes.

Q What does it say there?

A

"[REDACTED] [REDACTED] [REDACTED]

[REDACTED]."

The following passages are redacted pursuant to Stipulation and Order, dated March 13, 2018 (DE 255).

See Nassau IAU Report, Ex. H to Plaintiff's 2d Am. Complaint, at Bate #108-110.

1 Thomas M. Moroughan

2 Q What appears next to that?

3 A My initials.

4 Q And did you write those in there?

5 A Yes.

6 Q And it's "T[REDACTED]"?

7 A Yes.

8 Q And what's -- is your middle

9 initial M?

10 A Yes.

11 Q What is your middle name?

12 A Michael.

13 Q Immediately below your initials,  
14 do you see in parentheses it says something  
15 there?

16 A "[REDACTED] [REDACTED]."

17 Q And you in fact put those  
18 initials there on February 27, 2011?

19 A Yes.

20 Q And you see Number 2?

21 A Yes.

22 Q All right. What does it say  
23 there?

24 MR. GRANDINETTE: Objection.

25 I'll have a continuing objection. But

Thomas M. Moroughan

so as not to interrupt with your --  
excuse me -- so as not to interrupt you,  
Mr. Mitchell, I'll have a continuing  
objection. The document speaks for  
itself.

Please answer Mr. Mitchell's  
question. Read that.

BY MR. MITCHELL:

Q Can you read it?

A "[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]."

Q Right.

And again what appears after  
that?

A My initials.

Q And, again, below the initials in  
parentheses it says [REDACTED]?"

A Yes.

Q And then do you see where it  
says 3?

A Yes.

Q Can you read what that says?

A "[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]"

Thomas M. Moroughan

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[REDACTED]."

Q Did you initial after that?

A Yes.

Q And then could you just read  
Number 4?

A "[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]."

Q Okay. Are there initials after  
that?

A Yes.

Q And did you write that?

A Yes.

Q "[REDACTED]" that is your writing?

A Yes.

Q You see below that, it -- now it  
says "[REDACTED] [REDACTED]" in bold letters?

A Yes.

Q Okay. And then it has Number 1,  
right?

1 Thomas M. Moroughan

2 A Yes.

3 Q Okay. And then tell me -- could  
4 you read for me what it says?

5 A "[REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED] [REDACTED]"

7 Q Okay. And then below it it says  
8 "[REDACTED]," am I right?

9 A Yes.

10 Q Did you write something there?

11 A Yes. It says "[REDACTED] [REDACTED]"

12 Q Did you write the word "Yes"?

13 A Yes.

14 Q That's your handwriting?

15 A Yes.

16 Q And then again the initials are  
17 yours?

18 A Yes.

19 Q And then the second part --  
20 excuse me.

21 Then it says Number 2, am I  
22 right?

23 A Yes.

24 Q And it says -- what does it say  
25 there?



1 Thomas M. Moroughan

2 A " [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED]"

4 Q And again it says "[REDACTED],"  
5 right?

6 A Yes.

7 Q And then the word "[REDACTED]" appears  
8 and your initials?

9 A Yes.

10 Q And did you in fact write the  
11 word "[REDACTED]"?

12 A Yes.

13 Q And you also wrote your initials?

14 A Yes.

15 Q And then the next -- it says  
16 "[REDACTED] [REDACTED]," correct?

17 A Yes.

18 Q Is that your signature there?

19 A Yes.

20 Q Did you write that?

21 A Yes.

22 Q Okay. I want you to take a look  
23 at the body of the document.

24 Do you see where it says "State  
25 of New York, County of Suffolk," if you go

1 Thomas M. Moroughan

2 down about two-thirds down?

3 MR. GRANDINETTE: Under the date  
4 and the police officer's signature?

5 MR. MITCHELL: Yes.

6 BY MR. MITCHELL:

7 Q Do you see where it says, "I,  
8 Thomas Moroughan"?

9 A Yes.

10 Q Mr. Moroughan, what is your date  
11 of birth?

12 A [REDACTED], 1984.

13 Q And you see where it says,

14 "[REDACTED]," it says, "[REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
16 [REDACTED]," and then it says "[REDACTED] [REDACTED], [REDACTED]"?

17 You see that?

18 A Yes.

19 Q Then there's a line struck  
20 through "[REDACTED] [REDACTED]"?

21 A Yes.

22 Q Do you know what Ms. Mondo's  
23 birthday is?

24 A [REDACTED] [REDACTED].

25 Q And you notice it says

Thomas M. Moroughan

"[REDACTED] [REDACTED]," there's a line struck through that, and then above it it says "[REDACTED]" and then it's got initials?

You see that?

A Yes.

Q And do you see the one with the circle around it?

A Yes.

Q Are those your initials? Is that "[REDACTED]"?

A It's really hard to tell on this copy. It looks like it.

Q Again, you agree with me you were born on [REDACTED] [REDACTED], 1984?

A Yes.

Q And as we go further it says: "[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]"? You see that?

A Yes.

Q At the time did you in fact live at [REDACTED] [REDACTED] [REDACTED]?

A Yes.

Q Now, as we go down -- I'm going to go down through the document.

1 Thomas M. Moroughan

2 It says: "[REDACTED] [REDACTED]

[REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]."

6 And at that time were you in fact  
7 driving a white Prius taxi for Dobro Express?

8 A Yes.

9 Q It says: "I [REDACTED] [REDACTED]

[REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]."

12 Do you see that?

13 A Yes.

14 Q Were you in fact working a  
15 6:00 p.m. to 6:00 a.m. shift?

16 A Yes.

17 MR. SCHROEDER: Can I speak to  
18 you for a second before you ask the next  
19 question?

20 MR. MITCHELL: Okay.

21 ---

22 (A recess was taken.)

23 ---

24 BY MR. MITCHELL:

25 Q This is in Exhibit C, Suffolk

1 Thomas M. Moroughan

2 County C, the portion of the document that

3 says: " [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] . "

6 Now, Mr. Moroughan, you were  
7 working a 6:00 p.m. to 6:00 a.m. shift,  
8 correct?

9 A Yes.

10 Q And at 1:10 to 1:15 Ms. Mondo was  
11 in the car with you, correct?

12 A Yes.

13 Q By the way, up until that point  
14 had you told anybody that your shift was from  
15 6:00 p.m. to 6:00 a.m., during that evening,  
16 from the time you got to the hospital --

17 MR. GRANDINETTE: If you know.

18 Q -- to this point here?

19 A I don't know.

20 Q You don't know meaning you don't  
21 remember if you did or not?

22 A I don't remember if I did or not.

23 Q When you were speaking to the  
24 detectives from the Suffolk County homicide  
25 section, did you in fact tell them that you



1 Thomas M. Moroughan

2 work the 6:00 p.m. to 6:00 a.m. shift?

3 A I believe so.

4 Q Did you tell them that Ms. Mondo  
5 was with you during that period of time?

6 A Yes.

7 Q And did you tell them that: "[REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED]." And "[REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED]"?

11 A Definitely not.

12 Q Did you tell them you had been  
13 working for the company for a week?

14 A Yes.

15 Q So in other words, that portion  
16 of that statement that says [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]" --

19 MR. SCHROEDER: There's a period  
20 there.

21 MR. MITCHELL: There is a period,  
22 right?

23 MR. GRANDINETTE: "[REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]."

25 BY MR. MITCHELL:

Q So you are telling me that you

Q And that was true, right, you had  
working there for a week?

Q But you did not say to them, I  
having a bad day?

Q Next it says: "[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]."

A Yes.

A                      No.

Do you see that?

BY MR. MITCHELL:

Q Pardon me. "[REDACTED] [REDACTED]."

1 Thomas M. Moroughan

2 Do you see that?

3 A Yes.

4 Q And in fact sometime after  
5 1:00 a.m. a blue Acura had in fact passed you,  
6 correct?

7 A Yes.

8 Q And you flashed your high beams  
9 at him, correct?

10 A Yes.

11 Q I believe you said to me earlier  
12 that you got worried or upset by that, when he  
13 flashed his high beams at you?

14 MR. GRANDINETTE: Objection to  
15 the form.

16 MR. MITCHELL: Withdrawn.

17 Q That you got worried and upset  
18 when the car went around you?

19 MR. GRANDINETTE: Objection to  
20 form.

21 You can answer.

22 A No. I believe earlier I said  
23 that I was upset and worried when the white  
24 Infiniti came up behind me.

25 Q When the blue car went around you

1 Thomas M. Moroughan

2 didn't you make a comment to Ms. Mondo?

3 A Yes.

4 Q And it then further says: "[REDACTED]  
5 [REDACTED] ."

6 Do you see that?

7 A Yes.

8 Q Okay.

9 Then it says: "[REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED] ."

12 Do you see that?

13 A Yes.

14 Q And a white car did in fact come  
15 up behind you and flash his bright lights at  
16 you, correct?

17 A Yes.

18 Q It says: "[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
19 [REDACTED]" -- and you notice the document says  
20 "[REDACTED]"?

21 Do you see that?

22 A Yes.

23 Q But you'd agree with me that  
24 there is a line struck through "[REDACTED]" on the  
25 word "[REDACTED]"?

1 Thomas M. Moroughan

2 A Yes.

3 Q And do you see that there's a  
4 line struck through "[REDACTED]"?

5 Do you see that?

6 A Yes.

7 Q Okay. Above where the line is  
8 struck through it says "[REDACTED]," correct?

9 A Yes.

10 Q And then above where "[REDACTED]"  
11 "[REDACTED]" is struck through it says "[REDACTED]"  
12 "[REDACTED]" am I right?

13 A Yes.

14 Q And when you were driving and the  
15 person behind you flashed his brights you were  
16 in fact on West Hills Road, am I right?

17 A Yes.

18 Q And you were travelling  
19 westbound, am I correct?

20 A Yes.

21 Q You see where it says -- the word  
22 "[REDACTED]" has the word "[REDACTED]" above it?

23 A Yes.

24 Q And then there's some initials  
25 next to it, to the left of the word "[REDACTED]"?



1 Thomas M. Moroughan

2 MR. GRANDINETTE: Right here.

3 A Yes.

4 Q If you know, are those your  
5 initials?

6 A Could be.

7 Q And then you see where it says --  
8 the word "[REDACTED]" above it says  
9 "[REDACTED]"?

10 A Yes.

11 Q And then to the right there's  
12 some initials?

13 A Yes.

14 Q Are those your initials?

15 A Yes.

16 Q Did you write them on the page?

17 A Yes.

18 Q Okay. Did you write them on the  
19 page after the detectives showed you the  
20 correction from "[REDACTED]" to "[REDACTED]"  
21 "[REDACTED]"?

22 MR. GRANDINETTE: Objection to  
23 form.

24 A I don't understand the question.

25 Q Sure.

1 Thomas M. Moroughan

2 When you wrote those initials,  
3 was that after you were shown the document and  
4 shown that there had been a correction to  
5 where it says "[REDACTED]," that it was  
6 corrected to say "[REDACTED] [REDACTED] [REDACTED]" --

7 MR. GRANDINETTE: Objection  
8 again.

9 MR. MITCHELL: I'm not done.

10 Q -- did you write your initials  
11 there after being shown by the detectives that  
12 correction?

13 MR. GRANDINETTE: Objection to  
14 form. It presumes a fact not  
15 necessarily in evidence.

16 But answer.

17 A I had written my initials where  
18 he had told me that he had made some mistakes  
19 and he had asked me to initial here, here,  
20 here, here, here.

21 Q And when you put your initials,  
22 you put them next to a spot -- for example,  
23 where it says "[REDACTED]," you put your  
24 initials next to that spot where it says  
25 "[REDACTED]" instead of "[REDACTED]," correct?

1 Thomas M. Moroughan

2 A I put them where the detective  
3 told me to, yes.

4 Q Fair enough.

5 But looking at the word

6 "[REDACTED]" there's a line through that?

7 A Yes.

8 Q It says "[REDACTED]" above it?

9 A Yes.

10 Q That's where you initialed?

11 A Yes.

12 Q And by the way, the correction  
13 from "[REDACTED]" to "[REDACTED]," that was an  
14 appropriate correction; meaning you were in  
15 fact traveling westbound?

16 MR. GRANDINETTE: Objection to  
17 the form.

18 You can answer the question.

19 A Yes.

20 Q Okay.

21 A Southwest.

22 Q And the change from "[REDACTED]"  
23 "[REDACTED]" to "[REDACTED]," that was  
24 consistent, meaning you were -- with what you  
25 were doing, meaning you were in fact

1 Thomas M. Moroughan

2 travelling on West Hills Road?

3 A Yes.

4 Q And that's where you put your  
5 initials, am I right?

6 A Yes.

7 Q The next sentence says: [REDACTED]

8 [REDACTED] " --

9 MR. GRANDINETTE: "[REDACTED]

10 [REDACTED] "?

11 MR. MITCHELL: Actually, the end  
12 of that sentence -- to make that  
13 clear -- the sentence I just read said:

14 "[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED]."

16 The way I just read it was with  
17 the corrections.

18 BY MR. MITCHELL:

19 Q "[REDACTED] [REDACTED]  
20 [REDACTED] [REDACTED] [REDACTED]."

21 Do you see that?

22 A Yes.

23 Q The white car in fact did pass  
24 you, am I right?

25 A Yes.

1 Thomas M. Moroughan

2 Q Did you get pissed off at that  
3 point?

4 MR. GRANDINETTE: Objection;  
5 asked and answered.

6 You can answer the question.

7 A I got upset.

8 Q Did you tell the detectives that  
9 you got upset when the white car passed you?

10 A I don't recall.

11 Q You did in fact get upset?

12 A I got upset, yes.

13 Q So that statement, "[REDACTED]  
14 [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED], " would be true?

16 A No.

17 Q Were you pissed off when the car  
18 passed you?

19 A I was upset.

20 Q All right.

21 So if the statement said, the  
22 white car passed me and I got upset and  
23 followed their cars, that would be true?

24 A No, I didn't follow their cars.

25 Q So the statement says, "[REDACTED]

1 Thomas M. Moroughan

2 [REDACTED], " that part of it is correct?

3 A Yes.

4 Q And then although it says "[REDACTED]

5 [REDACTED], " you did get upset?

6 A Yes.

7 Q Then it says, "[REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] ."

9 Did you in fact drive west on

10 West 19th Street?

11 A Yes.

12 Q Then north on Oakwood Road?

13 A Yes.

14 Q Then it says: "[REDACTED]

15 [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED]" -- and I don't know if that is a

17 street, but it has an S. It's cut off.

18 Do you see that?

19 MR. GRANDINETTE: Brian, could I

20 just -- sorry again for interrupting.

21 I believe that you accurately

22 read into the record what we presume the

23 statement would read, like "[REDACTED]"

24 and "[REDACTED]," however, I just want to

25 state for the record that my copy of



1 Thomas M. Moroughan  
2 this statement is cut off. I don't want  
3 to interrupt you, but at some point we  
4 will have to track down the --

5 MR. MITCHELL: No, that's fine.  
6 Let me just clarify.

7 The copy of the statement I have  
8 has -- the far right is cut off at the  
9 end of the sentence.

10 At this point I represented it  
11 saying certain things that, the word  
12 I'll use is, I don't think -- I'm going  
13 to actually say this -- makes a  
14 difference.

15 Mr. Grandinette, if you think  
16 there is something that is of  
17 significance, please let me know.  
18 Obviously we've got -- I'm sure there's  
19 a copy of this that will have the full  
20 writing. I'll get it.

21 But at this point I understand  
22 your objection. I'm going to proceed  
23 with it as-is. Of course he can either  
24 say it doesn't say that -- but I  
25 appreciate exactly what you're saying.

Thomas M. Moroughan

MR. GRANDINETTE: Okay.

BY MR. MITCHELL:

Q When you saw the two cars, the white car and the blue car, they were in fact parked on the side of Oakwood Drive, am I right?

A No. It was Oakwood Road.

Q Oakwood Road and at Tippin Street?

A Tippin Drive.

Q But they were parked on the side, Drive or Street aside, on Oakwood and Tippin, correct?

A Yes.

Q Did you tell the detectives that, that the cars were at the side of Oakwood and Tippin when they were stopped?

A Probably, yes.

Q You then said: "[REDACTED]

[REDACTED] ."

And you did in fact do that, right?

A Yes.

1 Thomas M. Moroughan

2 Q Rolled down your passenger  
3 window?

4 A Yes.

5 Q It says: "I [REDACTED]  
6 [REDACTED] [REDACTED] [REDACTED]" -- I guess  
7 contextually that should be, "[REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED]" -- and  
9 then it has quotations, "[REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED], " end  
11 quotations.

12 You did in fact roll down the  
13 window and yell to the guy, "[REDACTED] [REDACTED]  
14 [REDACTED], " right?

15 A No. It wasn't those words.

16 Q What did you say?

17 A I said that they were going to  
18 hurt somebody and that they were driving like  
19 an asshole. Where did you get your fucking  
20 license from.

21 Q You did curse, correct?

22 A Yes.

23 Q Then it says: "[REDACTED] [REDACTED]  
24 [REDACTED] [REDACTED] [REDACTED]."

25 You agree with me the guy in the

Thomas M. Moroughan

white car did then curse back at you, right?

A Yes.

Q And then he also then -- he also then said something after that about your girlfriend, right?

A Yes.

Q And then you said something to him, right?

A Yes.

Q And then he yelled -- I think you even indicated he yelled loudly: "[REDACTED] [REDACTED]?"

A I yelled -- after he said the thing about my girlfriend I started to get out of my car and I yelled at him: "[REDACTED] [REDACTED] [REDACTED]."

He got out and he was screaming at the top of his lungs: "[REDACTED] [REDACTED]."

Q You agree with me that in fact you were yelling back and forth?

A Yes.

Q Further it then says: "[REDACTED] [REDACTED]

[REDACTED]

Thomas M. Moroughan

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]."

Now, you in fact did go to get  
out of your car, correct?

A Yes.

Q And the guy in the white car got  
out of his car?

A Yes.

Q I believe you indicated when the  
guy in the white car got out, that's when the  
guy in the blue car got out as well?

A Yes.

Q Then it says, "[REDACTED]" -- pardon  
me. I'll finish that sentence.

It says: "[REDACTED]  
[REDACTED]" -- I'm sorry. Pardon me.

It says: [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]."

The next sentence says: "[REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]."^ he misread

Do you see that?

A Yes.

Q        Okay. And you in fact did get back in your car and back up the car, correct?

A Yes.

Q " [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]" -- excuse  
me -- "[REDACTED]" -- and again that's cut  
off. I believe it says "[REDACTED]." I may be  
wrong:

19 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 20 --

MR. GRANDINETTE: I think there's  
a period.

MR. MITCHELL: Probably there is a period there.

" [REDACTED] Q. [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]. "

Do you see that?

A Yes.

Q Did the guy in the white car start walking towards your car?



Q Did you in fact rev your engine?

Q When you put your car in reverse,  
at when you put your foot on the gas to  
the car go in reverse?

Q " [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

A Yes.

Q Am I correct earlier you stated that after going in reverse you put car in drive and the car moved forward?

Q But it moved in a forward  
tion to the left?

Q " [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Am I correct earlier you indicated to me that it was at that point that

Thomas M. Moroughan

you saw the muzzle flash from the gun?

A Yes.

Q And then you believed that you had been shot?

A Yes.

Q Continuing on at the bottom of 2 to 3.

[REDACTED]  
[REDACTED] " [REDACTED]

Do you see that?

A Yes.

Q Did you see that to the detective?

A No (laughing). ^ Check

Q The next sentence --

MR. GRANDINETTE: Indicating, for the record, laughing as he answered the question.

BY MR. MITCHELL:

Q The next sentence says: "[REDACTED]

[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] "

Did the guy in fact come up to